Gatekeeper of Rights II: Ongoing Investigation and Closure of a Whistleblower Case in Hungarian Higher Education Without Justification

Anonymization & GDPR: All personal data is minimized and anonymized. Identifying details of private individuals are removed or generalized; images (if any) are redacted to delete faces, IDs, and metadata. Processing basis: legitimate interests in scholarly reporting and the public-interest aims of whistleblower documentation; data minimization and necessity principles are followed.

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Affiliation: Independent Researcher

ORCID iD: 0009-0005-4228-1124

Abstract:

This paper combines the dual narratives of ongoing inquiry and procedural closure surrounding **Case EBF–AJBH–309–2025** before the **Hungarian Commissioner for Fundamental Rights (Ombudsman).** It builds on earlier research **(Gatekeeper of Rights I, 2025)** by documenting how procedural formalities and access barriers compromised a whistleblower's right to an effective remedy **under Act CL of 2016 and Articles 21 and 47 of the EU Charter of Fundamental Rights**. The investigation, which initially was a complaint of educational discrimination at **Semmelweis University**, developed into a test of institutional transparency within Hungary's higher education governance system. Despite evidence of obstruction and conflict of interest, the Ombudsman's office closed the case on technical grounds, citing an uncollected postal notice. The study examines this decision through statutory interpretation, **EU case law**, and the broader context of **Hungary's 2025 Rule of Law Report**. International archiving via SSRN and ResearchGate ensures that the case remains accessible for global oversight and legal review.

1. Introduction

This second paper of the ***Gatekeeper of Rights I: The Role of the Hungarian Commissioner in Educational Rights*** examines how a formally initiated rights investigation in Hungarian higher education was closed without addressing the core legal issues. It explores what this means for equal access, due process, and quality assurance in a multilingual university system with many international students. The case is based on documented barriers faced by a global medical student at Semmelweis University, including limited access to essential practical learning environments, inconsistent enforcement of internal regulations (**SZMSZ/Study and Examination Regulations**),

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and pressure to remove lawfully archived research documenting those barriers. While the immediate dispute concerns one student's ability to complete required course components, the broader issue is institutional: whether oversight bodies and universities apply published rules consistently and offer effective, non-discriminatory channels for remedies.

At the administrative level, the complaint process shows a tension between form and substance. A rights petition initially considered active was later closed due to service-of-notice issues (a **"not-claimed" postal technicality**), rather than on substantive grounds, despite the complainant's residence and the availability of electronic service channels. In practice, this hindered timely review of issues related to the right to an effective remedy and anti-discrimination protections under **Hungarian law and the EU Charter**. From a **governance perspective**, such closures risk turning oversight into a mere paperwork exercise—one that can determine outcomes for students whose progress depends on access to facilities, materials, and standardized assessment conditions.

The controversy also overlaps with whistleblower protections and academic freedom standards. The archive of documents—including anonymized exhibits and correspondence—was stored on public research repositories (**e.g., SSRN/ResearchGate**) to ensure traceability and allow independent verification. Efforts to demand the removal of those records, without a court ruling of illegality or defamation, raise concerns about proportionality and the chilling effect on public-interest reporting in academia. International accreditors and quality assurance frameworks (**e.g., the European Standards and Guidelines; WFME)** increasingly prioritize transparency, assessment consistency, and resource adequacy as core standards; therefore, handling such records pertains not only to reputation but also to evidence.

Methodologically, this paper is a legal case study based on documents. It combines: (i**) relevant statutory and regulatory texts related to higher educatio**n, administrative procedures, and whistleblower protections; (ii) **university rules governing study status and examination access (including FM/CV registration categories)**; (iii) **the full correspondence trail with institutional and oversight bodies;** and (iv) **anonymized exhibits (Appendices A–F) covering issues like quality, overcrowding, enforcement, and timeline integrity**. The aim is not to determine facts but to assess whether procedures and remedies, as implemented, meet legal standards for fairness, accessibility, and equal treatment.

Research question: Do current oversight and university procedures in Hungarian higher education offer effective, non-discriminatory remedies for international students when access to necessary learning conditions is challenged—and what steps are needed when procedural closure replaces substantive review?

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Brief argument: The article contends that (1**) closing procedures based on service grounds, where electronic channels are available and routinely used, undermine the right to an effective remedy**; (2) **vague or unwritten practices related to study status and exam access enable arbitrary enforcement that conflicts with published regulations**; and (3) **efforts to suppress legally archived, anonymized documentation conflict with whistleblower protections and the public interest in independent scholarly archiving**. It proposes three corrective actions: renewed substantive review with accessible services; comprehensive university guidelines to prevent misuse of **FM/CV registration** for gatekeeping practical; and targeted external quality assurance emphasizing equal treatment, resource availability, and fair assessment.

Contribution: By integrating legal texts, institutional policies, and a complete evidentiary record, this case study highlights how **"procedural"** decisions in education oversight can significantly impact equity and student progression—especially for non-native students facing language and service barriers. It offers a practical, policy-oriented framework for regulators, universities, and accreditors to (i**) identify where process overrides merit, (ii) establish clear access rules to avoid enforcement bias**, and **(iii) safeguard the integrity of public-interest scholarly records.**

Roadmap: Section 2 covers the background and evidence structure (Appendices A–F). Section 3 details the legal and regulatory framework. Section 4 analyzes the procedural closure and its alignment with practical remedy standards. Section 5 reviews university rules on access and assessment. Section 6 discusses archiving, whistleblower protections, and proportionality. Section 7 proposes a corrective action plan for all involved. Section 8 concludes with the broader implications for higher education governance and quality assurance.

2. Chronology of Events

- **July 11, 2025:** Court letter(Hungarian): translated
- **July 14, 2025:** Administrative Obstruction in the EU education: A legal case study from Semmelweis University: Appendix F reply from Dr. Alan Alpar,- Rector of Semmelweis University
- **August 6, 2025:** Meeting with Ombudsman staff; no mention of deficiency ruling.
- **August 15, 2025:** Ruling mailed only by post.
- **September 4, 2025:** Postal service returned ruling as 'not claimed'.
- **September 26, 2025:** Email from the Department for Equal Treatment declaring termination.
- **October 8, 2025:** Letter re-mailed with an eight-day retroactive deadline.
- **October 14, 2025:** Letter from Dean’s Office- request to remove entirely the whistleblower content from Research Gate or any academic repository
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The **Ombudsman's reliance** on returned mail without verified delivery or electronic notice deprived the complainant of due process as defined under **Act CL/2016, Section 88, and Article 47 of the EU Charter**. The office's insistence that communication occur exclusively through the **Hungarian-language E-papír system** effectively excluded non-Hungarian residents from access to a remedy.

2.1 Court Order and Trigger Window (July 11–14, 2025)

The Metropolitan Court (**Fővárosi Törvényszék)** issued an order (**Végzés**) in case **7.Kpk . 750.239/2025/2 on July 11, 2025**, transmitting the applicant's filing (received on July 8, 2025) to Semmelweis University and instructing the respondent under **Kp. 39(3), 40(1), 42**—to submit the case file and either a motion to reject or a merits defense with supporting evidence. The order also notes the judicial vacation rule **(Pp. 148(1)** via **Kp. 36(1)(f))**, which excludes time limits from **July 15 to August 20, 2025**. The order is not appealable. Three calendar days later—on **July 14, 2025**—the University responded (Dr. Á. Álpár). Although causation is not claimed, this **July 11–14** period coincides with the court's transmission and instruction timeline.

Exhibit links (Appendix F)

- **F3. Court Order (Végzés)** — Fővárosi Törvényszék, **7.Kpk.750.239/2025/2**, signed **Petőné dr. Sipka Judit**, dated **11 Jul 2025**; stamp "Fővárosi Törvényszék 128 Budapest."
- **F4. University Reply** — Email from **Dr. Á. Álpár**, **July 14, 2025** (full headers retained).

Translation note: Google Lens renders **"Végzés" as "Execution"**; the correct legal term is **"Order"** (court ruling), not an enforcement writ.

Clean English translation (certified-style exhibit translation)

Metropolitan Court — Case no. 7. Kpk. 750.239/2025/2
Order

In the non-contentious proceedings initiated by the applicant Siddhartha Harsh Wardhan against Semmelweis University, the Metropolitan Court, in accordance with **Section 39(3) of Act I of 2017** on the **Code of Administrative Procedure** (Kp.), and considering **Sections 40(1) and 42** of the Kp., transmits the statement of claim and its annexes—received directly at the court on **July 8, 2025**—to the respondent, with instructions to submit the case documents and either a request to reject the claim or a statement of defense on the merits, including the underlying facts and evidence, within the timeframe specified in **Section 40 Kp**. The court will also forward this Order to the applicant for information.

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The court reminds the parties that, under **Section 148(1) of Act CXXX of 2016** on the **Code of Civil Procedure (Pp.),** as applicable under **Section 36(1)(f) of the Kp**., the period from July 15 to August 20, 2025 each year (judicial vacation) does not count toward the time limits measured in days.
There is no appeal against this Order.
Budapest, July 11, 2025
Petőné dr. Sipka Judit, judge
(official court stamp)

Metropolitan Court Order (July 11, 2025). Case 7.Kpk. 750.239/2025/2; transmission to **Semmelweis University; Kp. 39(3), 40(1), 42; Pp. 148(1) vacation note; "no appeal."**

University reply (July 14, 2025). Email from Dr. Á. Álpár acknowledging or acting in response to the Order; reference from **Appendix F of the Administrative Obstruction in the EU Education: A Legal Case Study from Semmelweis University.**

Documentary artifacts establish a three-day trigger window: the court's **July 11, 2025,** order (**transmitting the claim and directing a defense under Kp. 40**) is followed by a **July 14, 2025**, university reply. The document treats this as a temporal correlation consistent with court-driven action, without asserting intent.

3. Digital Access Barriers

Screenshots and correspondence highlight the technological exclusion faced by foreign complainants. The **E-papír and Ügyfélkapu** systems require **Hungarian ID verification and selfie-based validation**, making them inaccessible to non-Hungarian citizens. The Ombudsman's refusal to accept email submissions contradicts **Article 21 of the EU Charter and Act CCIV of 2011 on National Higher Education**, which mandates equal procedural treatment for all residents.

4. Retaliation and External Oversight

On **October 14, 2025**, the complainant received a notice from Semmelweis University demanding the removal of research publications related to the whistleblower case. These papers were lawfully published and indexed by the **Florida State University Law Library's "Medical-Legal Studies eJournal."** The retaliatory request violates the **Whistleblower Protection Act XXV of 2023**, which prohibits institutional retaliation for lawful disclosures. At the same time, the **National Authority for Data Protection and Freedom of Information (NAIH)** acknowledged a related data-protection complaint. Additionally, the letter from the **Hungarian Commissioner of Equal Opportunity** was

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received in Hungarian from the postal office on **October 10, 2025**. A few days later, the **researcher (author)** was asked by the Hungarian commissioner to respond to eight questions related to the whistleblower case. The institution also emailed the researcher, threatening to remove the entire **whistleblower case study** documentation from ResearchGate or any other academic repository, without citing **Hungarian laws, EU Directives,** or referencing their own specific **Code of Ethics**. The email received on **October 14, 2025,** was vague and did not specify any item on **ResearchGate.**

Exhibit A: Removal of Whistleblower Legal Case Studies from ResearchGate without any legal basis or plausible argumentation, just a vague and decisive statement asking to remove the whistleblower entirely.

83093-AG/AOADI-112025

SEMMELWEIS EGYETEM
ÁLTALÁNOS ORVOSTUDOMÁNYI KAR

set 1723033

[redacted]
7769

[redacted]

Siddhartha Harsh Wardhan
hallgatÖ részére

[redacted]

[redacted]

Sent: by e-mail and by post (with return receipt)

[redacted]

e-mail: siddhartha.harsh@stud.semmelweis.hu swardhanl@icloud.com és
levelezési cim: 1094 Budapest, TÜzoltÖ utca 37-47., EOK Könyvtár

Tárgy: felszölitäs https://www.researchgate.net/search és egyéb közösségi hälözatokra és felületekre feltöltött tanulmányok eltävolitäsära

Tisztelt Hallgatö!

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Alulirott Prof. Dr. Nyirády Péter, a Semmelweis Egyetem (1085 Budapest, Üllöi üt 26.) Általános Orvostudományi Karának dékánjaként felszölitom

- hogy az ön által a http=llwww.researchgate.net/search (a továbbiakban: portál) oldalra, továbbá más internetes és tartalommegosztö felületekre feltÖltÖtt a Semmelweis Egyetem oktatási tevékenységével kapcsolatos, szemé(yiségi jogainak megsértésére alkalmas tanulmányokat, anyagokat jelen levelem kézhezvételét követ6 3 napon belül a portälröl hiánytalanul távolitsa el,
- hogy a jöv6ben tartözkodjék a Semmelweis Egyetem személYlsegl Jogait, j6 hirnevét sért6 magatartástöl.

E-mail:
siddhartha.harsh@stud.semmelweis.hu
and swardhanl@icloud.com
Notification address: 1094 Budapest, TÜzoltÖ utca 37-47., EOK
Library

Subject: Formal notice requesting to remove studies uploaded to https://www.researchgate.net/search and other social networks and platforms

Dear Student,

l, the undersigned, [redacted] of the Faculty of Medicine at Semmelweis University (1085 Budapest, Üllöi üt 26.) hereby issue a formal notice requiring you to:

- Remove in their entirety, within three (3) days of receipt of this letter, all studies, materials, and other content related to Semmelweis University's educational activities that you have uploaded to https:l/www.researchgate.net/search (hereinafter: "the portal") or to any other online or content-sharing platform, which are capable of infringing upon Semmelweis University's or any individual's personal rights.
- You are further directed to refrain from any future conduct that may violate Semmelweis University's personal rights or harm its reputation.

Prof. [redacted], a Semmelweis Egyetem nemzetközi képzésekért fele16s rektorhelyettesének tájékoztatása alapjån tudomäsomra jutott, hogy Ön, aki a Semmelweis According to information provided by Prof. Dr. [redacted], ViceEgyetem hallgatöja, f6ként a portálon, de mäs internetes Rector for International Studies, it has come to my attention felületeken is olyan tanulmånyokat (közöttük bonctermi fel - és ezåltan hozott certain tudomäsära -, anatomy-lab that you, as a student of Semmelweis University, have fotökat) tÖltÖtt a széles nyilvånosság uploaded to the portal and other online platforms mely tanulmånyok a Semmelweis Egyetemen materials (including photographs and related

Cim: 1085 Budapest, Üllöi üt 26.
Postacim: 1085 Budapest, Üllöi üt 26.; 1428 Budapest, Pf. 2.
SEMMELWEISE-mail: titkarsag aokdekani@semmelweis.hu EGYETEM 1769Tel.: (+36-1) 317-9057 semmelweis.hu/aok

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folyö oktatäst negativ szinben tüntetik fel, ezáltal alkalmasak az Egyetem jö hirnevének csorbitäsära.

Ezzel a magatartåsåval megsérti a Semmelweis Egyetem Etikai Ködexében foglalt, valamennyi egyetemi polgärtöl elvärt viselkedési normäkat.

Felhivom a figyelmét arra, hogy az Etikai ködexben felsorolt etikai normåk hallgatök åltali megsértése fegyelmi eljåråst vonhat maga után, az etikai vétség sülyának függvényében, mely esetben fegyelmi eljåräst kell lefolytatni.

Amennyiben ön a megadott hatåridöben a feltöltött tanulmånyokat nem tåvolitja el vagy a Jovoben nem tartözkodik ett61 a magatartästöl, ügy a Semmelweis Egyetem megteszi a szükséges lépéseket mind a hallgatöi fele16sségre vonås, mind az Egyetem személyiségi jogai megsértése jogkövetkezményeinek érvényesitése iránt.

Tisztelettel:

Prof. Dr. Nyirády Péter

Kelt.: Budapest, 2025.

studies) which have been made publicly accessible and portray Semmelweis University's educational activities in a negative light, thereby potentially damaging the good reputation of the University.

Such conduct constitutes a breach of the behavioral standards expected of all members of the Semmelweis University community as set forth in the University's Code of Ethics.

Please be advised that violation of the ethical norms enumerated in the Code of Ethics by students may result in disciplinary proceedings, depending on the seriousness of the violation.

If you fail to remove the uploaded materials within the specified time limit, or if you continue to engage in such conduct in the future, Semmelweis University will take the necessary steps to ensure your accountability as a student and to enforce the legal consequences of the infringement of the University's personal rights.

Budapest, ... (day)(month), 2025

Sincerely,

Prof. Dr. Péter Nyirády

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Correspondence to the Dean's Office on October 14, 2025:

Directorate General Hungarian **Commissioner of Equal Opportunities** was notified on October 15, 2025:

Friday, October 17, 2025 at 9:10:26 Friday, October 17, 2025 at 9:10:26 Friday, October 17, 2025 at 9:10:26 Friday, October 17, 2025 at 9:10:26 AM Central European Summer Time AM Central European Summer Time AM Central European Summer Time AM Central European Summer Time
Subject: Subject: Subject: Subject: Re: 83099-16/AOADH/2025 Formal notice requesting to remove studies uploaded to https://www.researchgate.net/search and other social networks and platforms
Date: Date: Date: Date: Wednesday, October 15, 2025 at 10:51:17 AM Central European Summer Time
From: From: From: From: Siddhartha HARSH WARDHAN
To: To: To: To: ÁOK Dékáni Hivatal - Titkárság
CC: CC: CC: CC: Jogi és Igazgatási Főigazgatóság

Dean Prof. Dr. Péter Nyirády,
Faculty of Medicine, Semmelweis University
Dear Dean Nyirády,
I acknowledge receipt of your formal notice dated 13 October 2025 regarding materials allegedly infringing Semmelweis University's personal rights and/or portraying its educational activities in a negative light.
I take these matters seriously and act in good faith. However, your request is framed in general terms ("ResearchGate and other platforms," "negative light"), making immediate, global removal legally and practically uncertain.
To ensure a precise and proportionate response, please provide within 3 working days:
1. 2. 3. An itemized list of specific URLs and exact passages you consider unlawful, with a short explanation of the alleged violation for each (e.g., which Code of Ethics clause or which specific personality right under Hungarian Civil Code is implicated).
Whether the University's concern relates to personal data, defamation, or confidential information, and if so, what narrowly tailored remedy (e.g., redaction) would cure the concern.
Confirmation of the appeal process and the competent body reviewing any objection to your notice.
1 of 3Pending your particulars, I will avoid further public commentary about the University beyond ongoing academic and public-interest documentation already submitted to competent authorities. To demonstrate good-faith cooperation, I am prepared to temporarily restrict access to any specifically identified items while we resolve your concerns—provided you supply the precise links and the legal basis for each.
For clarity, my publications concern matters of public interest in higher-

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education quality, student rights, and compliance. They are supported by records and framed as research/critique. I am ready to consider targeted redactions where personal data or genuinely confidential information may inadvertently appear. I cannot, however, accept a blanket takedown of unspecified materials.
Please reply to this email with the requested particulars. I remain available to discuss a proportionate resolution that respects both freedom of expression and legitimate personality-rights protections.
Sincerely,
Siddhartha Harsh Wardhan
Neptun: AXEMG8
Get Outlook for iOS
From: From: From: From: ÁOK Dékáni Hivatal - Titkárság <:tkarsag.aokdekani@semmelweis.hu>
Sent: Sent: Sent: Sent: Tuesday, October 14, 2025 4:44:16 PM
To: To: To: To: Siddhartha HARSH WARDHAN <siddhartha.harsh@stud.semmelweis.hu>
Cc: Cc: Cc: Cc: Jogi és Igazgatási Főigazgatóság <jog@semmelweis.hu>
Subject: Subject: Subject: Subject: 83099-16/AOADH/2025 Formal no:ce reques:ng to remove studies uploaded to haps://www.researchgate.net/search and other social networks and plaborms
2 of 3Index number: 83099-16/AOADH/2025
Dear Siddhartha Harsh Wardhan,
Please find aaached the formal no:ce, which will be also sent by post tomorrow morning.
Sincerely,
Prof. Dr. Péter Nyirády
Dean
3 of 3

The **Hungarian Accreditation Committee (MAB)** was notified of potential accreditation implications and had previously acknowledged that the researcher would be involved in the accreditation review.

Exhibit B: (two attached documents, the letter from the Dean's Office and the correspondence to the Dean's Office)

Dear Members of the Hungarian Accreditation Committee,

I am a full-time medical student (Neptun AXEMG8) at Semmelweis University and the complainant in an active case before the Office of the Commissioner for Fundamental Rights (Case EBF–AJBH–309–2025) and the Budapest Administrative Court (Case 7.Kpk.750.239/2025/2).

My published research papers—documenting educational and resource deficiencies—have recently prompted a formal takedown demand from the University (Ref. 83099-

16/AOADH/2025). The notice contains no legal citation or evidence of misconduct but threatens disciplinary action for portraying the University "in a negative light."

I recognize that MAB does not intervene in individual disciplinary cases. I am submitting this information purely for transparency, as the matter concerns the academic governance and quality-assurance environment at an accredited institution.

Attached are:

1. The formal takedown notice (13 Oct 2025), and
2. My written response asserting academic and whistleblower protections (15 Oct 2025).

I kindly request that this correspondence be acknowledged as part of MAB's institutional-quality monitoring record for Semmelweis University.

Respectfully,
Siddhartha Harsh Wardhan
Medical Student – EM14, Faculty of Medicine
Semmelweis University

Ombudsman Correspondence regarding the letter from the Dean's Office.
Exhibit C:

Dear **Directorate-General for Equal Treatment and Education**

I am submitting this update regarding my ongoing whistleblower complaint, **Case No. EBF–AJBH–309–2025**, concerning systemic obstruction of education and subsequent retaliation at Semmelweis University.

On **October 13, 2025**, the **Faculty of Medicine, led by Dean Prof. Dr. Péter Nyirády,** issued **Formal Notice No. 83099-16/AOADH/2025,** instructing me to remove scholarly materials from **ResearchGate** and similar academic repositories. The notice d**oes not cite any law, internal regulation, or evidence of rule violation, yet it threatens disciplinary action for "portraying the University in a negative light."** Since these publications were fully anonymized and are used as evidence in lawful whistleblower documentation, this action constitutes retaliation, which is against **Act XXV of 2023 on Whistleblower Protection**, and it unfairly restricts rights protected under **Article 11 (EU Charter)** and **Article IX of the Hungarian Fundamental Law**.

For context, the publications targeted by the notice are part of a structured academic series analyzing administrative obstruction within EU medical education. All are indexed in international repositories (SSRN, Zenodo, ResearchGate) and cited in U.S. law-library databases. The key works are:

1. **“Denied Access to the Scalpel for Dissecting the Specimen: A Legal Case Study of Academic Obstruction at Semmelweis University.”**
   – Documents denial of dissection-lab access despite valid FM/CV registration.
2. **“Specimen Deficiency as Educational Obstruction: A Legal Case Study in Hungarian Medical Education.”**
   – Demonstrates poor preservation and inadequate resources used for graded assessments.
3. **“Over-Enrolled and Under-Served: Quantitative Evidence of Administrative Obstruction in EU Medical Education.”**
   – Analyses structural overcrowding and attrition disparities.
4. **“Administrative Obstruction in the EU Education: Unwritten Rules and Misinformation in Higher Education.”**
   – Exposes unwritten administrative practices that mislead international students.
5. **“Gatekeeper of Rights I: The Role of Hungary’s Commissioner for Fundamental Rights in Safeguarding Educational Equity.”**
   – Discusses the Ombudsman’s constitutional role in protecting equal access to education.

All five papers are factual, anonymized, and form part of my whistleblower evidence concerning the obstruction of lawful educational rights at Semmelweis University. They were distributed under **Act XXV of 2023**, **Act CCIV of 2011 on National Higher Education**, and the **EU Charter Articles 11 and 13**, which jointly protect whistleblowers and academic freedom.

Attachments:

1. Formal Notice No. 83099-16/AOADH/2025 (October 13, 2025)
2. My written responses dated October 15, 2025 (acknowledging receipt and citing legal protections)
3. National Information Authority of Hungary (magyar) investigation letter from the president

I kindly request that this submission be added to my existing case file and that the Office review the University’s conduct as a possible act of retaliation. Please confirm receipt and inform me if a Hungarian translation is required.

Respectfully,
Siddhartha Harsh Wardhan
Medical Student – EM14, Faculty of Medicine
Semmelweis University | Neptun ID AXEMG8
Email: siddhartha.harsh@stud.semmelweis.hu

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5. Conflict of Interest and Systemic Context

The **European Commission's 2025 Rule of Law Report for Hungary** highlighted weaknesses in the independence of oversight bodies, including the Ombudsman. This situation relates to the procedural handling of **Case EBF–AJBH–309–2025**. The **Directorate-General for Equal Treatment**, responsible for managing such cases, functions under a government that is also negotiating for the **release of suspended EU cohesion funds**. The timing of these ***negotiations and the procedural dismissal of a whistleblower*** complaint ***reveal systemic conflicts between state interests and rights enforcement.***

Enforceable evidence: Exhibit D. Email Notification of Termination of the Whistleblower Case (October 10, 2025), issued without justification from the Commissioner of Equal Rights**,** and without any notification to the researcher by email, postal mail, call, or other means.

Subject:Information
Date:Tuesday, September 30, 2025, at 4:21:09 PM Central European Summer Time
From:Egyenlő Bánásmód
To:Siddhartha HARSH WARDHAN
EBF-AJBH-309- 26 /2025.
Administrator: Molnár Veronika
Subject: Information

Siddhartha Harsh Wardhan
siddhartha.harsh@stud.semmelweis.hu

Dear Mr Wardhan,

With reference to your e-mail of 26 September, 2025 we inform you of the following.

The Commissioner for Fundamental Rights (hereinafter: Authority) issued a ruling calling to remedy the deficiencies of your complaint which was sent to your registered address (1056 Budapest, Belgrád rakpart 2. fszt. 4. a.) on 15, August 2025. On 4 September, 2025, the document was returned to the Authority by the postal service as 'not claimed'. Without you complying with the ruling, the Authority cannot proceed with the investigation of your complaint and the procedure has to be terminated. In order to provide you with another opportunity to comply with the ruling we have posted it to your address a second time. The documents of the case otherwise comprise your submissions only.

Please note that the Authority does not conduct official correspondence with clients in ongoing cases via email, emails are used to provide information only. If you

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want to send your submissions to the Authority electronically, you need to do so via the electronic mailing system Ügyfélkapu (https://ugyfelkapu.gov.hu/) and avail of the application E-papír (https://epapir.gov.hu/). Unless you contact the Authority through Ügyfélkapu, the Authority continues sending official documents to you by regular mail.

Yours faithfully,

Molnár Veronika

Head of Department

Department for Equal Treatment

Directorate-General for Equal Treatment

Office of the Commissioner for Fundamental Rights of Hungary

Subject: Re: Information

Date: Wednesday, October 1, 2025 at 1:52:21 AM Central European Summer Time

From: Siddhartha HARSH WARDHAN

To: Egyenlő Bánásmód

Attachments: image002.png

Dear Commissioner,

Re: Case No. EBF–AJBH–309–2025

I respectfully submit this addendum for inclusion in my case file to address procedural fairness concerns.

On 6 August, 2025 I attended a meeting with your office regarding my complaint. Since that date, I have never received an email, phone call, or any notice informing me that an official ruling had been sent by post. On 4 September 2025, the document was returned as “not claimed” to your office. I was unaware that a ruling had been mailed, and therefore I could not take steps to collect it. I ask that this be recognised as a procedural disadvantage not caused by me.

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I again request that my official correspondence address also include my university address:

1094 Budapest, Tűzoltó utca 37–47, EOK Library (Semmelweis University).

This will ensure I can actually receive and respond to your letters. I will also continue to file my materials through Ügyfélkapu / E-papír to comply with procedural requirements.

I wish to emphasise that I am not seeking to embarrass or pressure your office. However, Hungary has committed itself under Act CL of 2016 (Administrative Procedure Act) and Act CCIV of 2011 (National Higher Education Act) to principles of transparency, predictability, and equal treatment. These principles also bind the Ombudsman when handling discrimination complaints.

Because the same **Directorate-General that defends Hungary's universities in EU funding matters is now tasked with investigating my case,** there is an appearance of conflict of interest. This makes it especially important that my complaint be handled transparently and, on its merits, so that there can be no perception of bias or quiet termination.

For the record, my complaint is already a matter of public and academic record:

- My case study papers have been distributed on SSRN and placed me in the top 10 % of 2.4 million authors globally.
- Three papers—**Denied Access to the Scalpel for Dissecting the Specimen, Gatekeeper of Rights, and Educational Rights and Whistleblower Protection in Hungarian Medical Education—**have been archived in the Florida State University Law Library and other U.S. law libraries.
- Administrative Obstruction in EU Medical Education: A Legal Case Study from Semmelweis University is my most widely read paper.
- On 28 July 2025 the Hungarian Accreditation Committee (MAB) confirmed receipt of my appendices (Reg. nr: MAB/477-4/2025) for review during its forthcoming WFME accreditation cycle.

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This means my case cannot simply be "hidden" or "closed quietly"; it is already preserved internationally and will remain accessible to regulators and researchers.
I therefore respectfully request that your Directorate:

1. Confirm in writing that my case will be investigated on the merits under Act CL/2016 and Act CCIV/2011, notwithstanding any external funding disputes.
2. Confirm that my correspondence address has been updated as above to prevent further missed notices.
3. Ensure all rulings and procedural steps are communicated to me in advance by at least email or E-papír as well as by post.

Thank you for your attention and for upholding the Ombudsman's role as an independent safeguard of educational rights.

Sincerely,

Siddhartha Harsh Wardhan siddhartha.harsh@stud.semmelweis.hu

+36 70 350 4077.

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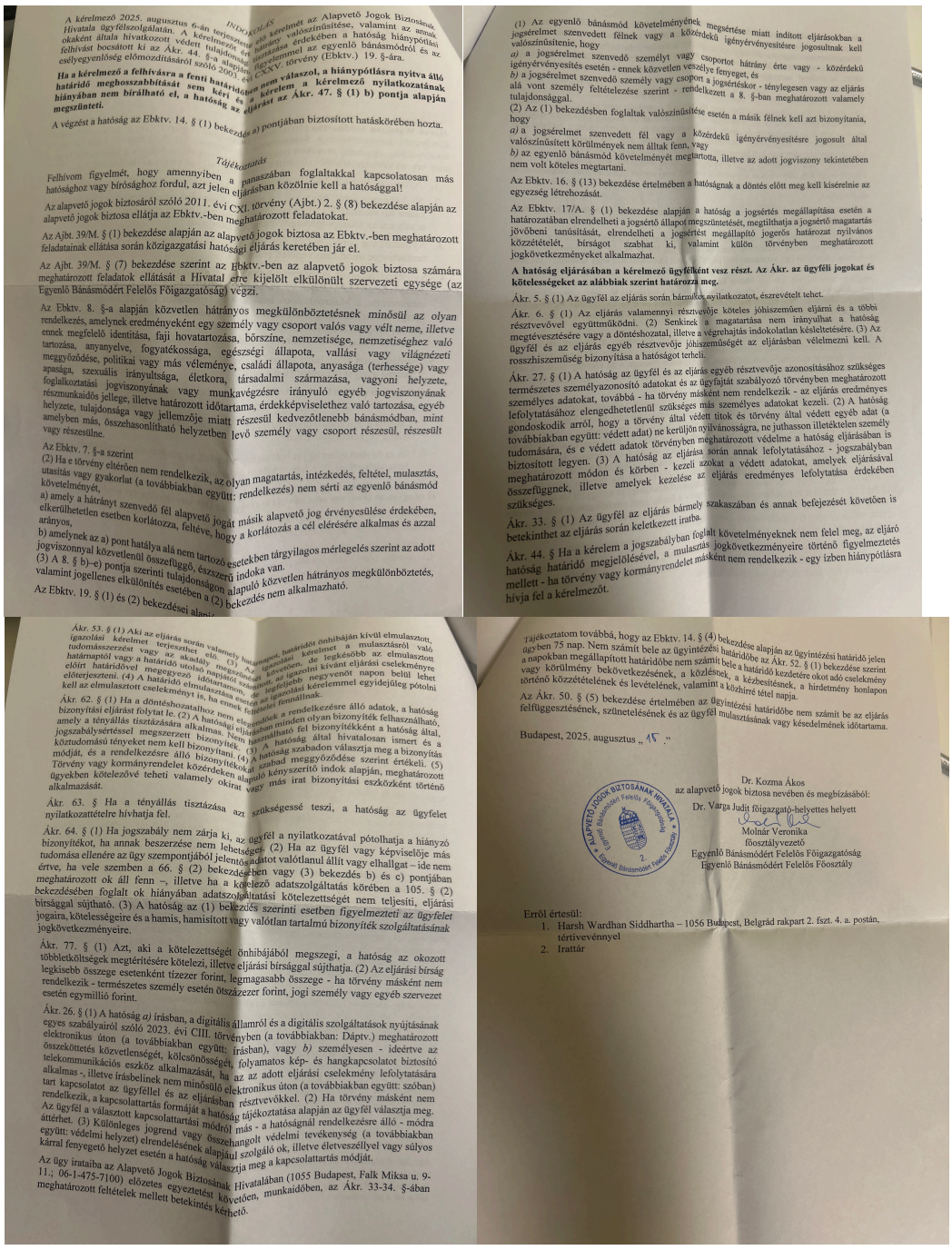
Exhibit E: Letter from Post Office on October 10, 2025



INDOKOLÁS

A kérelmező 2025. augusztus 6-án terjesztette elő kérelmét az Alapvető Jogok Biztosának Hivatala ügyfélszolgálatán. A kérelmezőt – hivatalból történő eljárás megindítása érdekében a hatóság hiánypótlási felhívást bocsátott ki az Ákr. 44. §-a alapján, figyelemmel az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról szóló 2003. évi CXXV. törvény (Ebktv.) 19. §-ára.

Ha a kérelmező a felhívásra a fenti határidőben nem válaszol, a hiánypótlásra nyitva álló határidő meghosszabbítását sem kéri, és a kérelem a kérelmező nyilatkozatának hiányában nem bírálható el, a hatóság az eljárást az Ákr. 47. § (1) b) pontja alapján megszünteti.

A végzést a hatóság az Ebktv. 14. § (1) bekezdés *a)* pontjában biztosított hatáskörében hozta.

Tájékoztatás

Felhívom figyelmét, hogy amennyiben a panaszában foglaltakkal kapcsolatosan más hatósághoz vagy bírósághoz fordul, azt jelen eljárásban közölnie kell a hatósággal!

Az alapvető jogok biztosáról szóló 2011. évi CXI. törvény (Ajbt.) 2. § (8) bekezdése alapján az alapvető jogok biztosa ellátja az Ebktv.-ben meghatározott feladatokat.

Az Ajbt. 39/M. § (1) bekezdése alapján az alapvető jogok biztosa az Ebktv.-ben meghatározott feladatainak ellátása során közigazgatási hatósági eljárás keretében jár el.

Az Ajbt. 39/M. § (7) bekezdése szerint az Ebktv.-ben az alapvető jogok biztosa számára meghatározott feladatok ellátását a Hivatal erre kijelölt elkülönült szervezeti egysége (az Egyenlő Bánásmódért Felelős Főigazgatóság) végzi.

Az Ebktv. 8. §-a alapján közvetlen hátrányos megkülönböztetésnek minősül az olyan rendelkezés, amelynek eredményeként egy személy vagy csoport valós vagy vélt neme, illetve ennek megfelelő identitása, faji hovatartozása, bőrszíne, nemzetisége, *nemzetiséghez való* tartozása, anyanyelve, fogyatékossága, egészségi állapota, vallási vagy világnézeti meggyőződése, politikai vagy más véleménye, családi állapota, anyasága (terhessége) vagy apasága, szexuális irányultsága, életkora, társadalmi származása, vagyoni helyzete, foglalkoztatási jogviszonyának vagy munkavégzésre irányuló egyéb jogviszonyának részmunkaidős jellege, illetve határozott időtartama, érdekképviselethez való tartozása, egyéb helyzete, tulajdonsága vagy jellemzője miatt részesül kedvezőtlenebb bánásmódban, *mint* amelyben más, összehasonlítható helyzetben levő személy vagy csoport részesül, részesült vagy részesülne.

Az Ebktv. 7. §-a szerint

(2) Ha e törvény eltérően nem rendelkezik, az olyan magatartás, intézkedés, feltétel, mulasztás, utasítás vagy gyakorlat (a továbbiakban együtt: rendelkezés) nem sérti az egyenlő bánásmód követelményét,

a) amely a hátrányt szenvedő fél alapvető jogát másik alapvető jog érvényesülése érdekében, elkerülhetetlen esetben korlátozza, feltéve, hogy a korlátozás a cél elérésére alkalmas és azzal arányos,

b) amelynek az a) pont hatálya alá nem tartozó esetekben tárgyilagos mérlegelés szerint az adott jogviszonnyal közvetlenül összefüggő, észszerű indoka van.

(3) A 8. § b)–e) pontja szerinti tulajdonságon alapuló közvetlen hátrányos megkülönböztetés, valamint jogellenes elkülönítés esetében a (2) bekezdés nem alkalmazható.

Az Ebktv. 19. § (1) és (2) bekezdései alapj

(1) Az egyenlő bánásmód követelményének megsértése miatt indított eljárásokban a jogsérelmet szenvedett félnek vagy a közérdekű igényérvényesítésre jogosultnak kell valószínűsítenie, hogy

a) a jogsérelmet szenvedő személyt vagy csoportot hátrány érte vagy - közérdekű igényérvényesítés esetén - ennek közvetlen veszélye fenyeget, és

b) a jogsérelmet szenvedő személy vagy csoport a jogsértéskor - ténylegesen vagy az eljárás alá vont személy feltételezése szerint - rendelkezett a 8. §-ban meghatározott valamely tulajdonsággal.

(2) Az (1) bekezdésben foglaltak valószínűsítése esetén a másik félnek kell azt bizonyítania, hogy

a) a jogsérelmet szenvedett fél vagy a közérdekű igényérvényesítésre jogosult által valószínűsített körülmények nem álltak fenn, vagy

b) az egyenlő bánásmód követelményét megtartotta, illetve az adott jogviszony tekintetében nem volt köteles megtartani.

Az Ebktv. 16. § (13) bekezdése értelmében a hatóságnak a döntés előtt meg kell kísérelnie az egyezség létrehozását.

Az Ebktv. 17/A. § (1) bekezdése alapján a hatóság a jogsértés megállapítása esetén a határozatában elrendelheti a jogsértő állapot megszüntetését, megtilthatja a jogsértő magatartás jövőbeni tanúsítását, elrendelheti a jogsértést megállapító jogerős határozat nyilvános közzétételét, bírságot szabhat ki, valamint külön törvényben meghatározott jogkövetkezményeket alkalmazhat.

A hatóság eljárásában a kérelmező ügyfélként vesz részt. Az Ákr. az ügyféli jogokat és kötelességeket az alábbiak szerint határozza meg.

Ákr. 5. § (1) Az ügyfél az eljárás során bármely nyilatkozatot, észrevételt tehet.

Ákr. 6. § (1) Az eljárás valamennyi résztvevője köteles jóhiszeműen eljárni és a többi résztvevővel együttműködni. (2) Senkinek a magatartása nem irányulhat a hatóság megtévesztésére vagy a döntéshozatal, illetve a végrehajtás indokolatlan késleltetésére. (3) Az ügyfél és az eljárás egyéb résztvevője jóhiszeműségét az eljárásban vélelmezni kell. A rosszhiszeműség bizonyítása a hatóságot terheli.

Ákr. 27. § (1) A hatóság az ügyfél és az eljárás egyéb résztvevője azonosításához szükséges természetes személyazonosító adatokat és az ügyfajtát szabályozó törvényben meghatározott személyes adatokat, továbbá - ha törvény másként nem rendelkezik - az eljárás eredményes lefolytatásához elengedhetetlenül szükséges más személyes adatokat kezeli. (2) A hatóság gondoskodik arról, hogy a törvény által védett titok és törvény által védett egyéb adat (a továbbiakban együtt: védett adat) ne kerüljön nyilvánosságra, ne juthasson illetéktelen személy tudomására, és e védett adatok törvényben meghatározott védelme a hatóság eljárásában is biztosított legyen. (3) A hatóság az eljárása során annak lefolytatásához - jogszabályban meghatározott módon és körben - kezeli azokat a védett adatokat, amelyek eljárásával összefüggnek, illetve amelyek kezelése az eljárás eredményes lefolytatása érdekében szükséges.

Ákr. 33. § (1) Az ügyfél az eljárás bármely szakaszában és annak befejezését követően is betekinthet az eljárás során keletkezett iratba.

Ákr. 44. § Ha a kérelem a jogszabályban foglalt követelményeknek nem felel meg, az eljáró hatóság határidő megjelölésével, a mulasztás jogkövetkezményeire történő figyelmeztetés mellett - ha törvény vagy kormányrendelet másként nem rendelkezik - egy ízben hiánypótlásra hívja fel a kérelmezőt.

Ákr. 53. § (1) Aki az eljárás során valamely határidőt önhibáján kívül elmulasztott, igazolási kérelmet terjeszthet elő. (3) Az igazolási kérelmet a mulasztásról való tudomásszerzést vagy az akadály megszűnését követően, de legkésőbb az elmulasztott határnaptól vagy a határidő utolsó napjától számított legfeljebb negyvenöt napon belül lehet előírt határidővel meggyengező időtartamúnak, az igazolási kérelemmel egyidejűleg pótolni kell az elmulasztott cselekményt is, ha ennek feltételei fennállnak.

Ákr. 62. § (1) Ha a döntéshozatalhoz nem elegendők a rendelkezésre álló adatok, a hatóság bizonyítási eljárást folytat le. (2) A hatósági eljárásban minden olyan bizonyíték felhasználható, amely a tényállás tisztázására alkalmas. Nem használható fel bizonyítékként a hatóság által, jogszabálysértéssel megszerzett bizonyíték. (3) A hatóság által hivatalosan ismert és a köztudomású tényeket nem kell bizonyítani. (4) A hatóság szabadon választja meg a bizonyítás módját, és a rendelkezésre álló bizonyítékokat szabad meggyőződése szerint értékeli. (5) Törvény vagy kormányrendelet közérdeken alapuló kényszerítő indok alapján, meghatározott ügyekben kötelezővé teheti valamely okirat vagy más irat bizonyítási eszközként történő alkalmazását.

Ákr. 63. § Ha a tényállás tisztázása azt szükségessé teszi, a hatóság az ügyfelet nyilatkozattételre hívhatja fel.

Ákr. 64. § (1) Ha jogszabály nem zárja ki, az ügyfél a nyilatkozatával pótolhatja a hiányzó bizonyítékot, ha annak beszerzése nem lehetséges. (2) Ha az ügyfél vagy képviselője más *tudomása ellenére* az ügy szempontjából jelentős adatot valótlanul állít vagy elhallgat – ide nem értve, ha vele szemben a 66. § (2) bekezdésében vagy (3) bekezdés b) és c) pontjában *meghatározott ok áll fenn* –, illetve ha a kötelező adatszolgáltatás körében a 105. § (2) bekezdésében foglalt ok hiányában adatszolgáltatási kötelezettségét nem teljesíti, eljárási bírsággal sújtható. (3) A hatóság az (1) bekezdés szerinti esetben *figyelmeztető az ügyfelet* jogaira, kötelességeire és a hamis, hamisított vagy valótlan tartalmú *bizonyíték szolgáltatásának* jogkövetkezményeire.

Ákr. 77. § (1) Azt, aki a kötelezettségét önhibájából megszegi, a hatóság az okozott többletköltségek megtérítésére kötelezi, illetve eljárási bírsággal sújthatja. (2) Az eljárási bírság legkisebb összege esetenként tízezer forint, legmagasabb összege - ha törvény másként nem rendelkezik - természetes személy esetén ötszázezer forint, jogi személy vagy egyéb szervezet esetén egymillió forint.

Ákr. 26. § (1) A hatóság *a)* írásban, a digitális államról és a digitális szolgáltatások nyújtásának egyes szabályairól szóló 2023. évi CIII. törvényben (a továbbiakban: Dáptv.) meghatározott elektronikus úton (a továbbiakban együtt: írásban), vagy *b)* személyesen - ideértve az összeköttetés közvetlenségét, kölcsönösségét, folyamatos kép- és hangkapcsolatot biztosító telekommunikációs eszköz alkalmazását, ha az az adott eljárási cselekmény lefolytatására alkalmas -, illetve írásbelinek nem minősülő elektronikus úton (a továbbiakban együtt: szóban) tart kapcsolatot az ügyféllel és az eljárásban résztvevőkkel. (2) Ha törvény másként nem rendelkezik, a kapcsolattartás formáját a hatóság tájékoztatása alapján az ügyfél választja meg. Az ügyfél a választott kapcsolattartási módról más - a hatóságnál rendelkezésre álló - módra áttérhet. (3) Különleges jogrend vagy összehangolt védelmi tevékenység (a továbbiakban együtt: védelmi helyzet) elrendelésének alapjául szolgáló ok, illetve életveszéllyel vagy súlyos kárral fenyegető helyzet esetén a hatóság választja meg a kapcsolattartás módját.

Az ügy irataiba az Alapvető Jogok Biztosának Hivatalában (1055 Budapest, Falk Miksa u. 9-11.; 06-1-475-7100) előzetes egyeztetést követően, munkaidőben, az Ákr. 33-34. §-ában meghatározott feltételek mellett betekintés kérhető.

Tájékoztatom továbbá, hogy az Ebktv. 14. § (4) bekezdése alapján az ügyintézési határidő jelen ügyben 75 nap. Nem számít bele az ügyintézési határidőbe az Ákr. 52. § (1) bekezdése szerint a napokban megállapított határidőbe nem számít bele a határidő kezdetére okot adó cselekmény vagy körülmény bekövetkezésének, a közlésnek, a kézbesítésnek, a hirdetmény honlapon történő közzétételének és levételének, valamint a közhírré tétel napja.

Az Ákr. 50. § (5) bekezdése értelmében az ügyintézési határidőbe nem számít be az eljárás felfüggesztésének, szünetelésének és az ügyfél mulasztásának vagy késedelmének időtartama.

Budapest, 2025. augusztus „15.”

Dr. Kozma Ákos
az alapvető jogok biztosa nevében és megbízásából:
Dr. Varga Judit főigazgató-helyettes helyett
Molnár Veronika
főosztályvezető
Egyenlő Bánásmódért Felelős Főigazgatóság
Egyenlő Bánásmódért Felelős Főosztály

ALAPVETŐ JOGOK BIZTOSÁNAK HIVATALA Egyenlő Bánásmódért Felelős Főigazgatóság 2.

Erről értesül:
1. Harsh Wardhan Siddhartha – 1056 Budapest, Belgrád rakpart 2. fszt. 4. a. postán, tértivevénnyel
2. Irattár

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Exhibit E: Correspondence to the letter from October 10 2025

Dear Ms Molnár Veronika,

Please find below my complete response to the rectification notice (**"Hiánypótlási Felhívás") dated August 15, 2025**, together with clarifying information about the institutional and international context of my complaint.

1. Program of study

I am enrolled in the **General Medicine (English Program)** at the Faculty of Medicine, Semmelweis University.

---

2. Citizenship and statistical context

I am a **dual citizen of the United States and Ireland.**

Redacted in accordance with the GDPR Act of 2017

3. Denial of access to dissection labs

On F**ebruary 9, 2025, Dr Andrea Székely (Anatomy Department)** emailed that I must "drop [my] signature and earn it again." No such requirement appears in the Study and Examination Regulations (SZMSZ):

- **Art. 23 § (3)** – once a signature is earned, only the exam must be retaken.
- **Art. 24 § (1)** – FM and CV courses are exam courses.
- **Art. 29** – A signature cannot be retroactively revoked.

This instruction was therefore *ultra vires*.
The same pattern of over-enrolment and limited resources is documented in my pre-print paper **"Over-Enrolled and Under-Served: Quantitative Evidence of Administrative Obstruction in EU Medical Education"** (Florida State University – Medical-Legal Studies eJournal, distributed through the FSU Law Library, ISSN 2769-314X) and in **"Specimen Deficiency as an Educational Obstacle: A Legal Case Study in Hungarian Medical Education."**

[NEPTUN] A(n) has been registered for the subject AOKANT853_
2A.
From:
To:
Date:
Neptun neptun_noreply@semmelweis.hu

Materials are prepared and archived for lawful public-interest reporting under whistleblower law. Evidence includes the author's correspondence, official documents, and accessible regulations. Assertions are factual, linked to cited sources, and use roles instead of personal names. No human interventions or minors' data. The author discloses being the complainant for transparency. Redacted exhibits and correspondence are publicly available, with sensitive items withheld. Institutional policy reuse complies with citation norms.

Siddhartha HARSH WARDHAN siddhartha.harsh@stud.semmelweis.hu
Fri, May 17, 2024, 7:38 PM
Dear Student, we kindly inform you that on your training (name: Medicine Basic Education Credit (undivided) code: AOK_
ORVOS
TA

_
_O) the following Lecturer's signature with the result Signed
(Date of entry: 2024. 05. 17.) has been registered2024. 05. 17. for the subject 'AOKANT853_
2A-
Macroscopic Anatomy and Embryology II..' and course. Result has been registered by: Andrea Dorottya Székely.
This is an automatically forwarded message from Neptun. Please do not reply to this email address!
Unsubscribe from email: Messages, Settings, Automatic notifications.

Appendix C: Administrative Obstruction in the EU: A Legal Case Study from Semmelweis University, page 53, please refer

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4. Comparable Students

Because of language barriers, I do not personally know any other students who were in the same situation. However, I rely on verified data from the peer-reviewed study Pusztai et al., **"Administrative Data Analysis of Student Attrition in Hungarian Medical Training," BMC Medical Education 22 (317), 2022**, which shows that international students drop out at a much higher rate (about 67.5%) than Hungarian students (about 20%).

Reference to peer-reviewed study: attached above

The Status and Challenges of Foreign Students in Hungarian Higher Education

"According to international research, students studying abroad usually face more difficulties than their local peers. These challenges often come from cultural barriers, lack of social support, homesickness, discrimination, and prejudice [33]. On the one hand, previous studies on international student satisfaction in Hungary indicate that these students are generally happy with the learning environment, services, and intercultural activities [31]. On the other hand, since local students often have limited foreign language skills and tend not to seek international friendships, foreign students find it challenging to connect with their Hungarian peers. Therefore, to reduce dropout rates among international students, social integration and support services are provided for all foreign students."

H4. I hypothesize that foreign students drop out more frequently than Hungarian students. This marked difference clearly shows a systemic disparity between international

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and Hungarian cohorts. Additionally, **Dr. Alán Alpár, Vice-Rector for International Studies, has publicly stated that these differences might be due to "discipline" among Hungarian students.** In my view, this reflects a double standard: younger Hungarian-language students are retained despite facing similar or greater academic challenges, while international students are more often failed or excluded. The peer-reviewed data support this conclusion of unequal treatment in outcomes and retention.

Please look at the attached document.

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5. Clarification on "Mannat Sharma"

This individual is an international student at Semmelweis; I request that her name remain fully redacted and excluded from the case file.

Administrative obstruction in the European Union: A legal Case Study from Semmelweis: Exhibit A-2: Peer Dialogue – Identity, Enrollment Rights, and Class Year Discrepancy

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6. University correspondence and Appendix F

Administrative obstruction in the European Union: A legal Case Study from Semmelweis: Appendix F

This **Appendix F i**ncludes legal correspondence and administrative disputes. I have received official responses from Semmelweis University or its representatives. These documents and academic obstruction are related to denied access to anatomy laboratory sessions during an active FM/CV registration status. The materials presented support allegations of procedural irregularities and regulatory violations. Form part of an official record of legal escalation

I've attached all correspondence with the university. Only one response was received – the V**ice-Rector for International Studies on July 14, 2025 – which was vague and deflective.**

This exchange is documented as **Appendix F** of ***Administrative Obstruction in EU Medical Education: A Legal Case Study from Semmelweis University.***

The Vice-Rector's reply did not address any legal articles or facts and demonstrates institutional avoidance despite clear notice. Subsequent emails in **August and September 2025** received no answer, even though **ResearchGate analytics confirm that Semmelweis University accounts have read and downloaded my papers.** Therefore, the institution **was aware** but chose not to respond.

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7. Administrative Court petition

Petition filed July 3, 2025 (Docket 7. Kpk . 750.239/2025/2).

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8. Other authorities and oversight bodies

- **National Authority for Data Protection and Freedom of Information (NAIH):** Investigation opened at the end of June 2025; acknowledgment recently received.
- **ECFMG (U.S.):** Special Investigator **Samantha Aouad** acknowledged receipt (July 23, 2025). **ECFMG, WFME, and FAIMER redirected me to the Hungarian Accreditation Committee (MAB).**
- **MAB:** Confirmed on **September 2, 2025 (Ref. MAB/477-4/2025) that my materials will be reviewed during the WFME accreditation cycle.**
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9. Published and distributed pre-prints supporting this case

1. **Over-Enrolled and Under-Served: Quantitative Evidence of Administrative Obstruction in EU Medical Education** – FSU Center for Innovative Collaboration in Medicine & Law (*Medical-Legal Studies eJournal*; distributed via Florida State Law Library).
2. **Specimen Deficiency as an Educational Obstacle: A Legal Case Study in Hungarian Medical Education** – same FSU eJournal series and library index.
3. **Denied Access to the Scalpel for Dissecting the Specimen: A Legal Case Study of Academic Obstruction at Semmelweis University** – SSRN / ResearchGate distribution.
4. **Gatekeeper of Rights: The Role of Hungary's Commissioner for Fundamental Rights in Safeguarding Educational Equity** – FSU Medical-Legal Studies eJournal (DOI 10.13140/RG.2.2.10239.11685).
5. **Educational Rights and Whistleblower Protection in Hungarian Medical Education: Evidence from a Central European Administrative Court Case** – SSRN Top-Paper (Sept 2025); among the highest reads in its category.

These are **pre-prints**, not peer-reviewed articles, but they are publicly visible, indexed, and distributed through the **Florida State University Law Library**, providing academic transparency and independent review. I currently rank in the **top 7 % of SSRN authors worldwide** and have over ten years of legal research and educational experience.

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10. Summary

The record shows that Semmelweis University was **aware of the allegations**, yet has refused to engage.

> **Appendix F: Administrative Obstruction in the EU: A Legal Case from Semmelweis University** demonstrates a vague and deflective institutional response; ResearchGate's read statistics confirm actual awareness. **Please reference**

Under Act CL of 2016 § 50 (5), continued non-response after formal notice constitutes administrative omission.

I want to ask the Ombudsman to consider this submission as fulfilling the rectification requirements and record these facts within the ongoing investigation.

Thank you for your attention and for acknowledging the systemic, evidence-based nature of this case.

Sincerely,

Siddhartha Harsh Wardhan
1056 Budapest, Belgrád rakpart 2 fsz 4a
+36 70 350 4077 | siddhartha.harsh@stud.semmelweis.hu

6. Legal Analysis: National Frameworks:

> "Act CCIV/2011" – Equal access in higher education.
> "Act CL/2016" – Requirements for verifiable notice and reasonable time limits.
> "Act XXV/2023" – Whistleblower protection and non-retaliation clauses.

European Guarantees:

> "EU Charter of Fundamental Rights" Articles 11, 21, 47.
> "ECtHR" cases: *Kjeldsen v Denmark (1976)*, *Leyla Şahin v Turkey (2005).*
> "CJEU cases: "Grzelczyk v CPAS (2001)", "Blaizot v University of Liège (1988)."
> "European Guarantees"
> "EU Charter of Fundamental Rights" Articles 11, 21, 47.
> "ECtHR" cases: *Kjeldsen v Denmark (1976)*, *Leyla Şahin v Turkey (2005).*
> "CJEU cases: "Grzelczyk v CPAS (2001), "Blaizot v University of Liège (1988).

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These authorities collectively affirm that remedies must be practical and effective. The **Hungary Ombudsman's** conduct — terminating without verified notice and declining to reopen upon documented inquiry — violates both procedural fairness and equal-access obligations.

7. Remedies Requested

Reinstate and continue the Ombudsman investigation, setting the response deadline to thirty days from the date of confirmed receipt. Document a conflict-of-interest recusal within the relevant **Directorate General of the Hungarian Commissioner for Equal Opportunity Rights** handling the case. Require Semmelweis University to withdraw any takedown threats and to certify non-retaliation in accordance with the **Whistleblower Act XXV/2023**. Publish an audit trail of notices, deliveries, and deadlines to ensure transparency of procedures.

8. International Archiving as Safeguard

The academic and evidentiary record of this case is now permanently preserved through SSRN and ResearchGate. Publications including "**Gatekeeper of Rights I: The Role of Hungary's Commissioner for Fundamental Rights in Safeguarding Educational Equity**, **"Educational Rights and Whistleblower Protection in Hungarian Medical Education",** and "**Specimen Deficiency as an Educational Obstacle"** are indexed in the "**Medical-Legal Studies eJournal"** by Florida State University. This international archiving ensures that the material evidence remains accessible to scholars, regulators, and accreditation bodies regardless of domestic suppression.

9. Appendix: Timeline of Hungary's Legal Challenge to the 2022 EU Cohesion-Fund Suspension

Following the activation of the **Rule-of-Law Conditionality Mechanism under Regulation (EU) 2020/2092**, the European Commission proposed the suspension of part of Hungary's cohesion allocations, citing persistent risks to the Union's financial interests arising from deficiencies in anti-corruption controls, public procurement, and judicial independence. On **December 12, 2022**, the **Council of the European Union** adopted **Implementing Decision (EU) 2022/2506**, freezing approximately €6.3 billion in cohesion funding—around ***55 percent of the three operational programs***—until remedial measures were fulfilled.

In response, Hungary filed an action for annulment on **March 13, 2023**, before the **Court of Justice of the European Union (CJEU)** (***Case C-156/23, Hungary v Council***), pursuant to Article 263 TFEU. The application, published in the Official Journal (**OJ C 161, May 8, 2023, p. 29)**, argues that the decision exceeded the Union's

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competence, violated the principle of proportionality, and discriminated between Member States. Written observations by the Council, Commission, and several intervening governments were completed in late 2023, and the matter is now before the Grand Chamber. An oral hearing is expected during 2025, followed by the **Advocate-General's Opinion and final judgment in late 2025 or early 2026**.

Meanwhile, administrative negotiations have continued. In **December 2023**, the Commission unblocked roughly **€10.2 billion under the Recovery and Resilience Facility (RRF)** after Hungary met judicial reform "**super-milestones,"** while other cohesion tranches remain suspended pending reforms to university governance and academic freedom guarantees. These ongoing measures will inform both the Commission's periodic assessments and the Court's evaluation of whether the budgetary risk persists at the time of judgment.

The **outcome of C-156/23** will determine not only the proportionality threshold for future fund suspensions but also the precedent for linking financial conditionality to **systemic rule-of-law concerns** in EU budget governance.

Key sources: Council Implementing Decision (EU) 2022/2506; Regulation (EU) 2020/2092; OJ C 161 (2023) p. 29; CJEU Press Release No. 21/22 (February 16, 2022).

10. Conclusion

The documentary record shows that a complaint initially treated as an active **Ombudsman investigation** was later terminated on service-of-notice grounds, leaving the core legal questions unaddressed. In practice, constraints around e-government access for non-Hungarian residents—together with refusal to accept electronic submissions—undermined the right to an effective remedy guaranteed by **Hungarian administrative law and the EU Charter**. The subsequent formal request to remove anonymized research from public repositories, absent citation to a legal basis, raises proportionality and anti-retaliation concerns under **Hungary's Whistleblower Act** and **European free-expression standards.** Taken together with the exhibits and court timeline, the case functions as a governance test for consistent rule application in a multilingual, international university setting.

To realign procedure with law, three targeted steps are recommended: (**1) reopen the Ombudsman matter for a merits review using accessible electronic service**; **(2) publish clear guidance confirming that FM/CV registration status cannot be used to gatekeep access to required practical components without a lawful decision**; and (**3) initiate external quality-assurance follow-up focused on equal treatment, resource adequacy, and assessment consistency**. Independent archiving of the evidentiary record ensures that materials remain available for oversight bodies, accreditors, and courts, safeguarding both transparency and future review.

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References:

1. Act CXI of 2011 on the Commissioner for Fundamental Rights (Hungary).
2. Act CCIV of 2011 on National Higher Education (Hungary).
3. Act CL of 2016 on General Administrative Procedure (Hungary).
4. Act XXV of 2023 on Whistleblower Protection (Hungary).
5. Charter of Fundamental Rights of the European Union [2012] OJ C 326/391.
6. Council Implementing Decision (EU) 2022/2506.
7. Regulation (EU) 2020/2092.
8. ECtHR, "Kjeldsen v Denmark"(1976) 1 EHRR 711.
9. ECtHR, "Leyla Şahin v Turkey" (2005) 44 EHRR 5.
10. CJEU, "Grzelczyk v CPAS" (2001) C-184/99, ECR I-6193.
11. CJEU, *Blaizot v University of Liège* (1988) Case 24/86, ECR 379.
12. Wardhan, S.H., "**Gatekeeper of Rights I: The Role of Hungarian Commissioner for Fundamental Rights in Safeguarding Educational Equality** " (2025), SSRN.
13. Wardhan, S.H., "**Administrative Obstruction in EU Medical Education: A Legal Case Study from Semmelweis University**" (2025), SSRN.
14. Wardhan, S.H., "**Denied Access to the Scalpel for Dissection of Specimen: A Legal Case Study of Academic Obstruction at Semmelweis University**" (2025), SSRN.

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